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FPM LTR. NO. 410-

UNITED STATES CIVIL SERVICE COMMISSION

FEDERAL PERSONNEL MANUAL SYSTEM

LETTER

Washington, D.C. 20415

FPM LETTER NO. 410-

SUBJECT: Relationship of the Equal Employment Opportunity Act of 1972 to Chapter 41 of Title 5, United States Code (formerly the Government Employees Training Act)

Heads of Departments and Independent Establishments:

1. Section 717(b) of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 (86 Stat. 111; P.L. 92-261) provides, among other things, that, in developing equal employment opportunity plans, agencies are required to include a "provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential."
2. This provision sets forth a directive for training, and training under this provision is carried out under the authority granted to agencies by chapter 41 of title 5, U.S.C. (formerly the Government Employees Training Act). This provision in the Civil Rights Act of 1964 is supportive of the position which the Commission has taken in recent years vigorously encouraging agencies to exercise their authority under chapter 41 of title 5, U.S.C., so as to further the development of lower-graded employees. Your attention is especially called to the provisions of FPM Letter 410-9, dated January 26, 1971.
3. FPM Letter 410-9 instructed agencies to "look beyond the present official duties of employees to the time when they may assume greater responsibility in more demanding positions." The same FPM letter defined official duties as "those authorized agency duties which an employee is currently performing or those which he could reasonably be expected to perform in the future. This includes potential duties in a different job at the same or higher level than the one currently held by the employee." The letter further added a new paragraph to FPM chapter 410 authorizing agencies to "approve individual employee programs of study in non-Government facilities which comprise a series

INQUIRIES: Bureau of Training, Code 101, Extension 27647 or 63-27647

CSC CODE 410, Training

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of courses leading to a developmental goal. An approved program of study may include individual courses which, when viewed without reference to the total program, would ordinarily not be approved."

4. Agencies will find that chapter 41 of title 5, U.S.C. provides all authority necessary for them to carry out the directive set out in section 717, supra.

Bernard Rosen
Executive Director

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